Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed July 29, 2004.

The Examiner is thanked for the performance of a thorough search.

In the specification, paragraphs **[0004]**, **[0005]** and **[0025]** have been amended to update references.

Claims 1 - 16 were pending in the Application prior to the outstanding Office Action. The Office Action rejected claims 1 - 16. This Response amends claims 1 and 8 - 10 to correct certain obvious typographical errors and for clarification, and adds new claims 17 - 20. No new matter is added. Accordingly, claims 1 - 20 are pending. Reconsideration of the rejections is respectfully requested.

Objection and Rejections under 35 U.S.C. § 112

In items 4 - 7 on pages 2 – 3, the Office Action objected to claim 8 as containing informalities and rejected claim 9 under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particualrly pont out and distinctly claim the subject matter which applicant regards as the invention." Applicants respectfully assert that amendments to these claims as indicated above resolve the typographical errors underlying the Office Action's Objections/Rejections, rendering the Objections/Rejections moot.

Rejections under 35 U.S.C. § 102(e)

In items 8 – 18, the Office Action rejected claims 1 - 9 under 35 U.S.C. 102(e) as unpatentable over U.S. Patent No. 6,385,661 to Gutherie et al. ("Gutherie"). The rejections are respectfully traversed.

Claim 1

In item 10, the Office Action asserts that:

> As to claim 1, Guthrie et at. teaches a computer program product for execution by a server computer for dynamically generating a wrapper object [generating proxies on local systems to facilitate access to objects on remote systems; col. 3, lines 43 – 50], . . .

Applicants respectfully traverse.

Amended Claim 1 recites:

> 1.(Currently Amended)   A computer program product for execution by a server computer for dynamically generating a wrapper object, comprising:
>
> computer code for receiving a vendor object and superclass;
>
> computer code for performing reflection on the vendor class;
>
> computer code for generating a wrapper class;
>
> computer code for instantiating the wrapper class, the instantiating including generating a wrapper object as an instance of the wrapper class; and
>
> computer code for associating the vendor object with the wrapper object, thereby enabling specific treatment of vendor objects.

Even assuming arguendo that each and every Office Action assertion might be entirely plausible, embodiments of the present invention such as recited by claim 1, would nevertheless be patentable as a new use. Applicant submits, however, that the embodiment recited by claim 1 also constitutes a uniquely patentable invention that is clearly not anticipated by Guthrie.

The Office Action's arguments fail to consider the recited claim limitations. "A claim is anticipated ONLY if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegoal Bros. V. Union Oil Co. of California*, 814 F2d, 628, 631, 2 USPQ2d 1051, 1-53 (Fed. Cir. 1987). Emphasis Added. None of

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the cited Gutherie passages can be properly said to set forth at least the above, and the above is not "necessarily present" as is narrowly provided for by *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991).

Applicants respectfully submit that the Office Action's argument fails to consider the recited claim 1 limitation regarding "vendor objects," which element is clearly defined in the specification (paragraphs 0007 and 0008). As noted in the MPEP §2111, "terms are afforded their plain meaning UNLESS applicant has provided a clear definition in the specification." *In re Donaldson*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Emphasis Added. Accordingly, the Office Action has failed to show that the embodiment recited by claim 1 is anticipated by Guthrie at least for failing to teach or suggest vendor objects.

Not only does the Office Action fail to consider such claim 1 element, and not only does Gutherie fail to teach or suggest such element, but Gutherie further teaches away from the recited element by disclosing a distributed object management system 16 for managing locally resident proxies 22 for remote objects 18. (Gutherie, FIG. 1; abstract) The embodiments of the present invention such as recited by claim 1, by contrast, contemplate enabling specific treatment of vendor objects: "[t]he wrapper object may be used to intercept method invocations from an application program to the vendor object and provide the execution of server side tasks in a pre-invocation handler and post-invocation handler." (Specification, paragraph 0016). A non-vendor object, by contrast, need not receive such treatment. Accordingly, vendor objects can be treated differently than non-vendor objects in the embodiment recited by claim 1. For example, embodiments can enable "server side tasks [such as] may include global transaction enlistment, resource pooling, resource caching, tracing and profiling." (Specification, paragraph 0011). In another example, embodiments can avoid "[p]roviding application programs with direct access to vendor objects would prevent the application server from knowing what was transpiring between application programs and resources." (Specification, paragraph 0008). Accordingly, Gutherie differs as to its purpose as well as its approach.

Clearly, vendor objects are not inherent since at least both references cited in the Office

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Action fail to teach or suggest such limitation and in fact these references may be properly characterized as teaching away. Accordingly, claim 1 has been amended and new dependent claim 17 has been added to clarify the different aspects of the claimed embodiments recited by claim 1 over Guthrie. Support for these amendments may be found in paragraph 0016 of the Specification and no new matter is added.

Claim 10

In items 19 – 26, the Office Action rejected claims 10 - 16 under 35 U.S.C. 102(e) as unpatentable over U.S. Patent No. 6,510,550 to Hightower et al. ("Hightower"). The rejections are respectfully traversed.

In item 19, the Office Action asserts that:

As to claim 10, Hightower et al. teaches a computer program product for execution by a server computer for processing an invocation using a dynamically generated wrapper [IC bean wrapper 40 comprises a Java bean that IC component generator 12 creates and wraps around proxy stub 42; col. 6, lines 57 – 65], . . .

Applicants respectfully traverse.

Amended Claim 10 recites:

10. (Currently Amended):   A computer program product for execution by a server computer for processing an invocation using a dynamically generated wrapper, comprising:

computer code for receiving an invocation call by a wrapper object, the invocation call directed to a wrapped vendor object by an application program;

computer code for initiating pre-processing by the wrapper object;

computer code for calling the wrapped vendor object by the wrapper object;

computer code for receiving a result from the wrapped vendor object by the wrapper object;

computer code for initiating post-processing by the wrapper object; and

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computer code for provide the result to the application program, thereby enabling specific treatment of vendor objects.

As noted previously, even if each and every Office Action assertion were to be taken as _arguendo_ correct, embodiments of the present invention such as recited by claim 10, would nevertheless be patentable as a new use. Applicant submits, however, that the embodiment recited by claim 10 also constitutes a uniquely patentable invention that is clearly not anticipated by Hightower, at least because the Office Action's arguments fail to consider, and Hightower fails to teach, disclose or otherwise suggest, the recited "vendor object" claim limitation.

Not only does the Office Action fail to consider such claim 10 element, and not only does Hightower fail to teach or suggest such element, but Hightower further teaches away from the recited element at least by disclosing wrapping a bean object (Hightower, FIG. 4:40) to address the problem of intermittent connectivity (Hightower, abstract; col. 2:lines 25 – 30). The embodiments of the present invention such as recited by claim 10, by contrast, contemplate enabling specific treatment of vendor objects. (See specification, paragraph 0016). Thus, Hightower differs as to its purpose as well as its approach.

Accordingly, claim 10 has been amended and new dependent claim 18 has been added to clarify the different aspects of the embodiments recited by claim 10 over Hightower. Support for these amendments may be found in paragraph 0016 of the Specification.

Claims 2 – 9 and 11 – 16

Claims 2 – 9 and 11 – 16 are dependent upon Claims 1 and 10 respectively, and thus include each and every feature of the corresponding independent claims. Each of Claims 2 – 9 and 11 - 16 is therefore allowable for the reasons given above for the Claims 1 and 10. In addition, each of Claims 2 – 9 and 11 - 16 introduces one or more additional limitations that independently render it patentable. Therefore, it is respectfully submitted that Claims 2 – 9 and 11 – 16 are allowable for the reasons given above with respect to Claims 1 and 10.
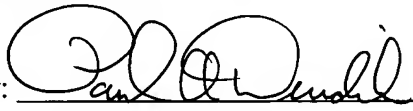
The references cited by the Office Action but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: <u>October 29, 2004</u>   By: _____

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